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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,447

08/26/2003

Akihiro Hashimoto

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09/14/2006

EXAMINER

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WASHINGTON, DC 20037

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/647,447

Applicant(s)

HASHIMOTO, AKIHIRO

Examiner

Daniell L. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,6,8,9,11,12,14,15,17,18 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 7 is/are allowed.
- 6) ☒ Claim(s) 1,10,13,16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Riches et al U.S. Patent No. 2002/0035695.

Regarding claim 1, the rejection applied to claim 1 in the previous Office action mailed April 5, 2006 are herein repeated for the same reasons (see Response to Arguments).

Regarding claim 10, the rejections applied to claims 10 and 13 in the Office action mailed June 29, 2005 are herein repeated for the same reasons (see Response to Arguments).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riches et al U.S. Patent No. 2002/0035695.

Regarding claim 13, claim 13 has limitations similar to those treated in the above rejection of claim 1, and are met by the reference as discussed above. However claim 13 also recites the following limitations which Riches et al fail to explicitly disclose:

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A recording medium cartridge comprising a recording medium and a cartridge memory wherein the recording medium is an optical recording tape.

It would have been an obvious matter of design choice to implement the recording medium cartridge disclosed by Riches et al with an optical recording tape since the applicant has not disclosed that using an optical recording tape medium solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a magnetic recording tape medium.

3. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riches et al U.S. Patent Application Publication No. 2002/0035695 in view of Malakapalli et al U.S. Patent No. 6,467,060.

Regarding claims 16 and 19, the rejections applied to claims 16 and 19 in the previous Office action mailed June 29, 2005 are herein repeated for the same reasons (see Response to Arguments).

#### ***Allowable Subject Matter***

4. Claims 4 and 7 are allowed.

Reasons for allowance are as discussed in the previous Office action mailed April 5, 2006.

#### ***Response to Arguments***

5. Applicant's arguments filed July 5, 2006 have been fully considered but they are not persuasive.

Regarding claim 1, on pages 2 and 3 of the response filed July 5, 2006, Applicant argues that Riches et al fail to disclose or suggest "...the sequence of recording a first CRC code in a

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cartridge memory and then securing it in an unrewritable state after the recording operation.”

The Examiner however respectfully disagrees since, as discussed in the previous Office action, Riches et al discloses a cartridge memory (3) comprising a plurality of data blocks. Each CRC code is stored to a distinct data block in the cartridge memory. A counter is used to keep track of how many codes have been recorded to the memory and to prevent previously written data from being rewritten or deleted. The counter indicates the data block to which the code is to be written. Data cannot be rewritten to a data block that has previously been written to. After the code has been written to the assigned block, the counter is then incremented, thereby ensuring that the code is secured in an unrewritable state. For further details on the sequence of events disclosed by Riches et al, see Fig. 5 and disclosure thereof.

Furthermore, Applicant refers to paragraphs 93 and 94 of Riches et al to support his position. Applicant argues:

“...Riches discloses deletion and overwrite of signature blocks including tracking of amendments. The tracking of changes would suggest an over-writable area.”

Examiner respectfully submits that Applicant’s interpretation of the reference is incorrect. Tracking of changes would not suggest an over-writable area because Riches et al clearly discloses (at least in paragraphs 14 and 94), that each access to the tape is treated as new a data set (irrespective of the nature of the data to be written), in order to trace or prevent amendments. Nowhere in Riches et al neither teach nor suggest overwriting or rewriting data written to the cartridge memory or to the tape.

On pages 3 and 4 Applicant argues that Riches et al “...does not disclose or suggest the specific feature of a flag for write protection being generated after completion of the data being

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recorded. The Examiner respectfully disagrees since in the previously cited paragraphs 32, 98, and 109 it is clearly shown that after data is written and after the memory no longer has the capacity to store more data, a flag is set to report that the tape is read only. It is considered that by being "read only", the tape is protected from being written to. For at least the reasons discussed above, and reading the claims in the broadest reasonable interpretation without utilizing impermissible hindsight, as asserted by Applicant, it is considered that the reference meets the limitations of Applicant's invention as claimed.

Regarding claim 13, the claim is unpatentable under 35 U.S.C. 103(a) as discussed in the rejection above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DLN   
September 5, 2006

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER